

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** 1321 East Altamonte Drive – Rick Vaughan, Vaughan, Inc, applicant;  
Request for a Special Exception to establish a mechanical garage with  
paint and body shop in C-2 (Retail Commercial) district.

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Denny Gibbs **EXT:** 7387

**Agenda Date** 4/27/09 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **Approve** the request for special exception to establish a mechanical garage with paint and body shop in C-2 (Retail Commercial) district; or
2. **Deny** the request for special exception to establish a mechanical garage with paint and body shop in C-2 (Retail Commercial) district; or
3. **Continue** The request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Rick Vaughan Location: 1321 East Altamonte Drive Zoning: C-2 (Retail Commercial)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to relocate the Better Than New Collision shop to the East Altamonte Drive location. This requires a Special Exception approval for both the mechanical garage and the paint a body shop aspect of this business.</li> <li>• The recent use of the site was for retail sales and warehouse in association with a futon shop.</li> <li>• To the west is a small retail strip center that includes a transmission repair shop and there are several auto related businesses adjacent to and across the street along this section of East Altamonte Drive.</li> </ul>

**Reviewed by:**

**Co Atty:** \_\_\_\_\_

**Pln Mgr:** \_\_\_\_\_

**STANDARDS FOR  
GRANTING A  
SPECIAL EXCEPTION;  
LDC SECTION  
30.43(b)(2)**

The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:

**IS NOT DETRIMENTAL TO THE CHARACTER OF THE  
AREA OR NEIGHBORHOOD OR INCONSISTENT WITH  
TRENDS OF DEVELOPMENT IN THE AREA:**

The applicant is proposing to convert an existing retail warehouse facility into a mechanical garage with paint and body repairs. The subject property is located on the north side East Altamonte Drive (SR 436) between CR 427 and US 17-92. Historically the use of auto repair businesses is typical along this section of East Altamonte Drive.

**DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON  
EXISTING TRAFFIC PATTERNS, MOVEMENTS AND  
VOLUMES:**

The property is an existing retail/warehouse facility and the conversion to auto repair and paint and body will have greater impacts on the existing traffic patterns or volumes. Prior to obtaining permits, the site must pass concurrency. A traffic study will be determined at that time.

**IS CONSISTENT WITH THE SEMINOLE COUNTY  
COMPREHENSIVE PLAN:**

The Seminole County Comprehensive Plan describes the Commercial (COM) future land use as a land use along major roadways that provide highway oriented services. Mechanical garages and paint and body are listed as one of the allowed uses by special exception in the Commercial land use.

**MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN  
THE CODE SECTION AUTHORIZING THE USE IN A  
PARTICULAR ZONING DISTRICT OR CLASSIFICATION:**

Based on the submitted site plan, the proposed use existing and proposed buildings meet the minimum area and dimensional requirements of the C-2 district. We are recommending conditions of approval based upon the requested use to address any safety and compatibility issues.

	<p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>Within the C-2 district mechanical garage and paint and body are allowed as conditional uses. The use of auto repair and paint and body is typical along this section of East Altamonte Drive and will be consistent with the trend of nearby and adjacent development in the area.</p>
<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of the subject request based upon the following conditions:</p> <ol style="list-style-type: none"><li>The Special Exception granted will apply only to the existing buildings and an auto repair facility.</li><li>The general layout of the proposed uses as depicted on the master plan shall not change.</li><li>No building shall be increased more than 10% without Board of Adjustment approval.</li><li>The site will be limited to only the use of an auto repair facility with paint and body.</li><li>The hours of operation shall be Monday through Friday: 8 am to 5 pm and Saturday 8 am to Noon.</li><li>SR 436 shall be utilized as the primary entrance.</li><li>Outside vehicle storage permitted only for short term, 60 days or less, as necessary to provide auto repair service to the vehicle owner and only within the walled area.</li><li>No outside storage of vehicles used for parts.</li><li>No auto repair work to be performed outside.</li><li>The fence, including gates, shall be opaque.</li><li>The compressor shall have a sound attenuating barrier to minimize impacts to the adjacent residential properties.</li><li>Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).</li></ol>

Rick Vaughan  
1321 East Altamonte Drive  
Altamonte Springs, Florida 32701




Seminole County Board of Adjustment  
April 27, 2009

Case: BS2009-04 (Map 3156 Grid D7)

Parcel No: 18-21-30-501-0500-0040

### Zoning

 BS2009-04

 R-1AA

 R-1A

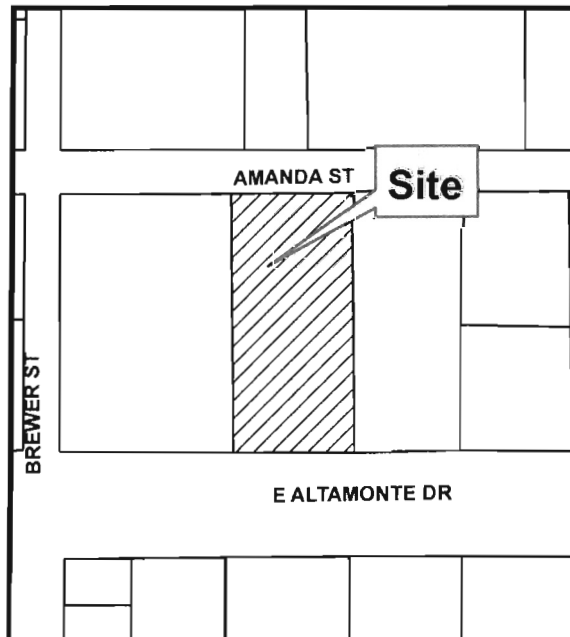
 R-1

 CN

 C-1

 C-2

 M-1A



Fee: \$370.00

INSTRUCT 4  
Application # 062009-04  
Meeting Date 4-27-09

# COPY

## SPECIAL EXCEPTION APPLICATION



SEMINOLE COUNTY PLANNING DIVISION ROOM 2201  
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: VAUGHAN Inc  
Address: 6770 West SR 46 City: SANFORD Zip code: 32771  
Project Address: 1321 EAST Altamonte Dr City: Altamonte Zip code: 32701  
Phone number(s): 321-377 1513 Cell OFF 407 330 6700  
Email address: Rick@Dishgarden.com

### What is this request for?

- ☐ Church
- ☐ Daycare
- ☐ School
- ☐ Group Home
- ☐ Assisted Living Facility (ALF)
- ☐ Kennel
- ☐ Riding Stable
- ☐ Alcoholic Beverage Establishment
- ☐ Communication Tower
- ☒ Other: AUTO Repair

Is the property available for inspection without an appointment? ☒ Yes ☐ No

What is the current use of the property? Vacant

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required **pre-application conference** has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

Signed: \_\_\_\_\_

### FOR OFFICE USE ONLY

Date Submitted: <u>3-13-09</u>	Reviewed By: <u>P. Johnson</u>
Tax parcel number: <u>18-21-30-501-0500-0040</u>	Zoning/FLU <u>C2/COM</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	<input type="checkbox"/> Platted Lot (check easements on lots / in dedication)
<input type="checkbox"/> Lot size _____	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Past approval # _____	<input type="checkbox"/> Application and checklist complete
Notes: _____	
_____	
_____	

Better Than New Collision  
2777 S. Ronald Reagan Blvd  
Alt Springs, FL 32701

3/18/09

Proposed narrative, for occupation of 1321 East Altamonte Drive.

The occupation of the proposed building would serve as an automotive collision repair facility, which is a continuation of business originally located at 2777 S Ronald Reagan Blvd, Alt Springs.

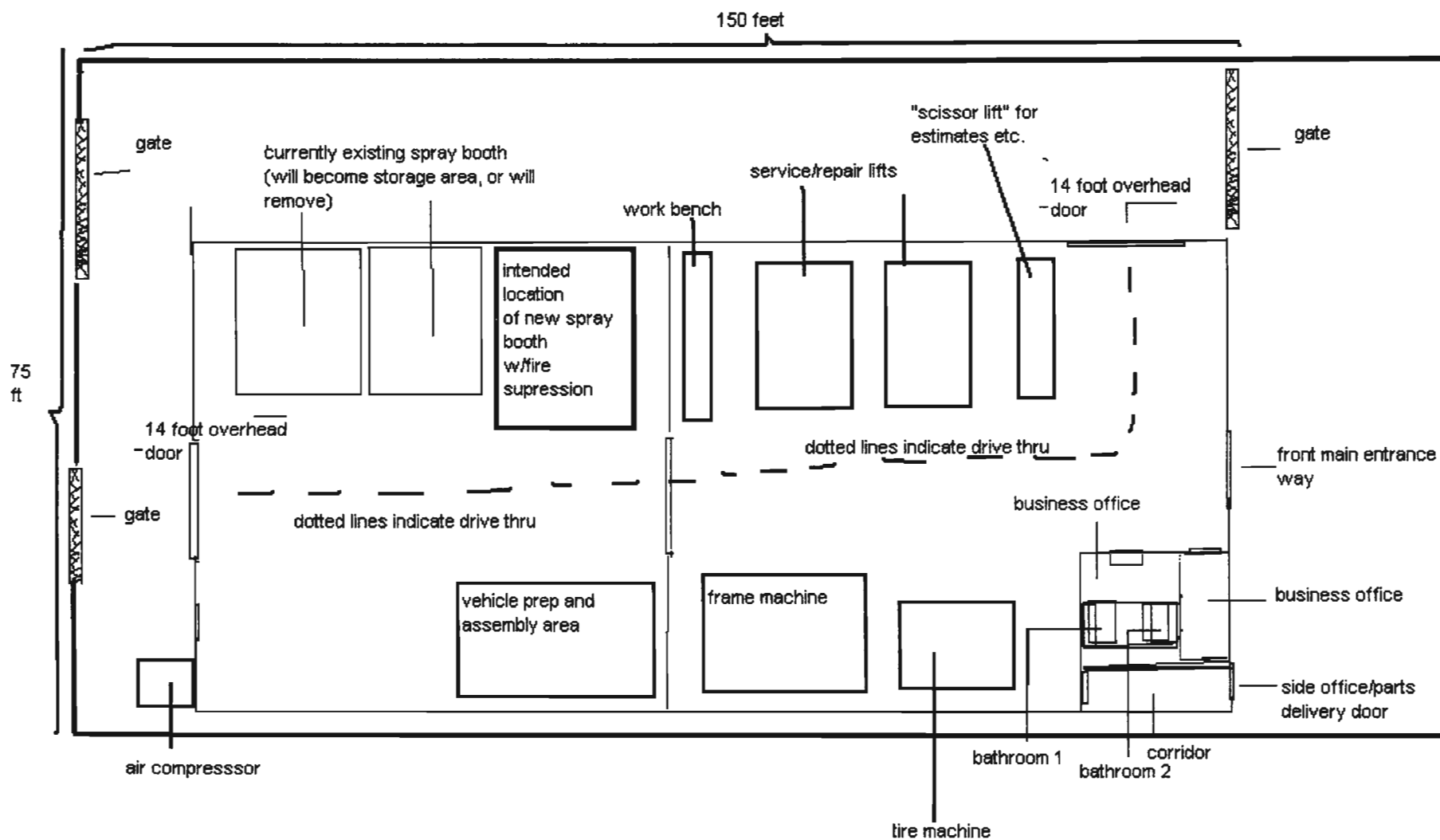
The business would be operational Monday through Friday, from 8am to 5pm and Saturday from 8-12.

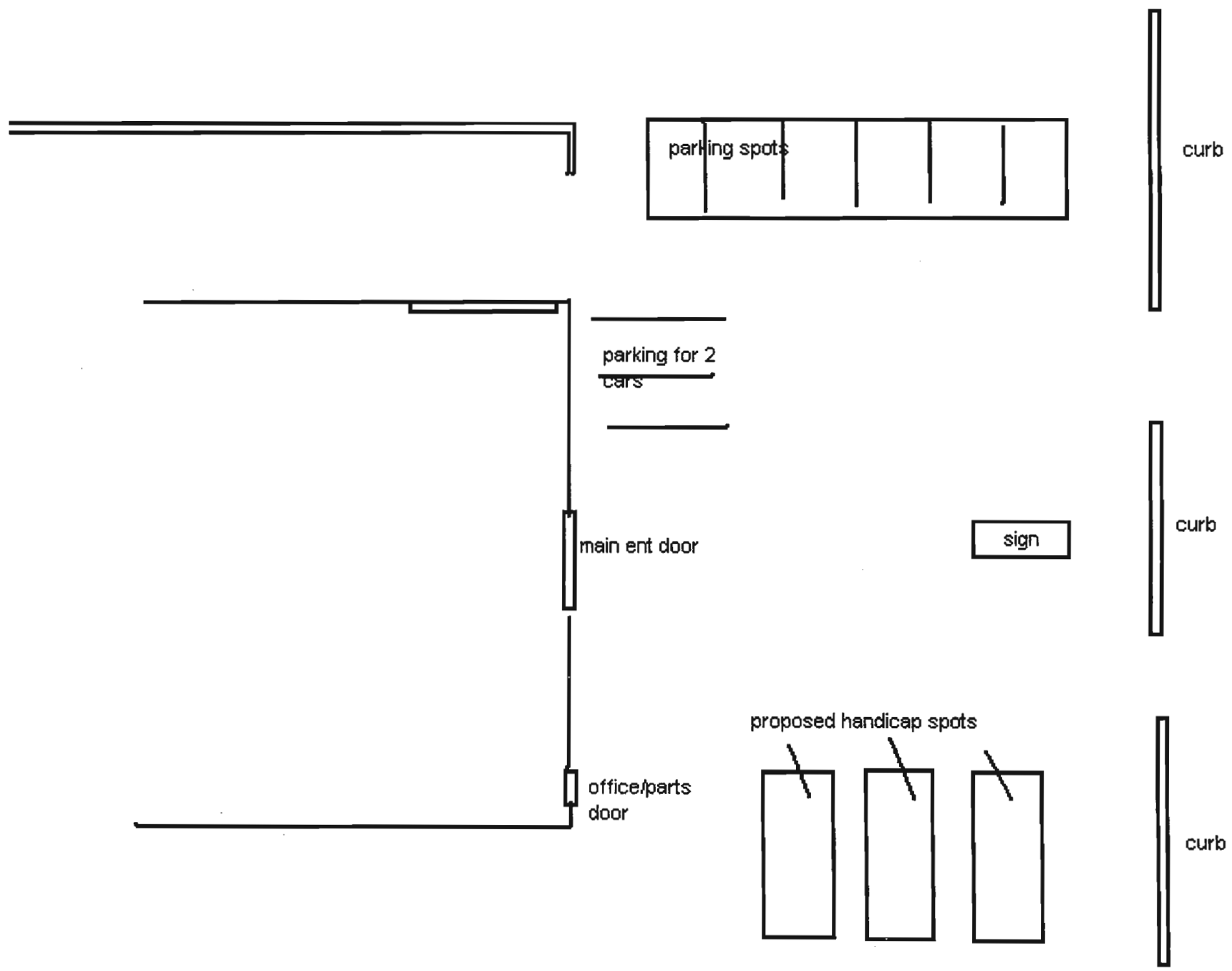
The building faces in a north to south, with the rear entrance on the north end. The compressor would be at the north end and due to operational hours would not interfere with the local community so far as noise. The front entrance, or south side is off state road 436 and would serve as primary entrance.

Parking would per allotted per code requirement for handicap spots, and the exterior would be maintained in an appropriate manner conducive to the local businesses.

Trash pickup would be at the north end of the building so as not to display a "dumpster" in public view.

Fencing would be filled in a slotted manner to block the view of storage in secure area, and it is the intention to meet or exceed all codes under regulation.





parking spots

curb

parking for 2 cars

main ent door

sign

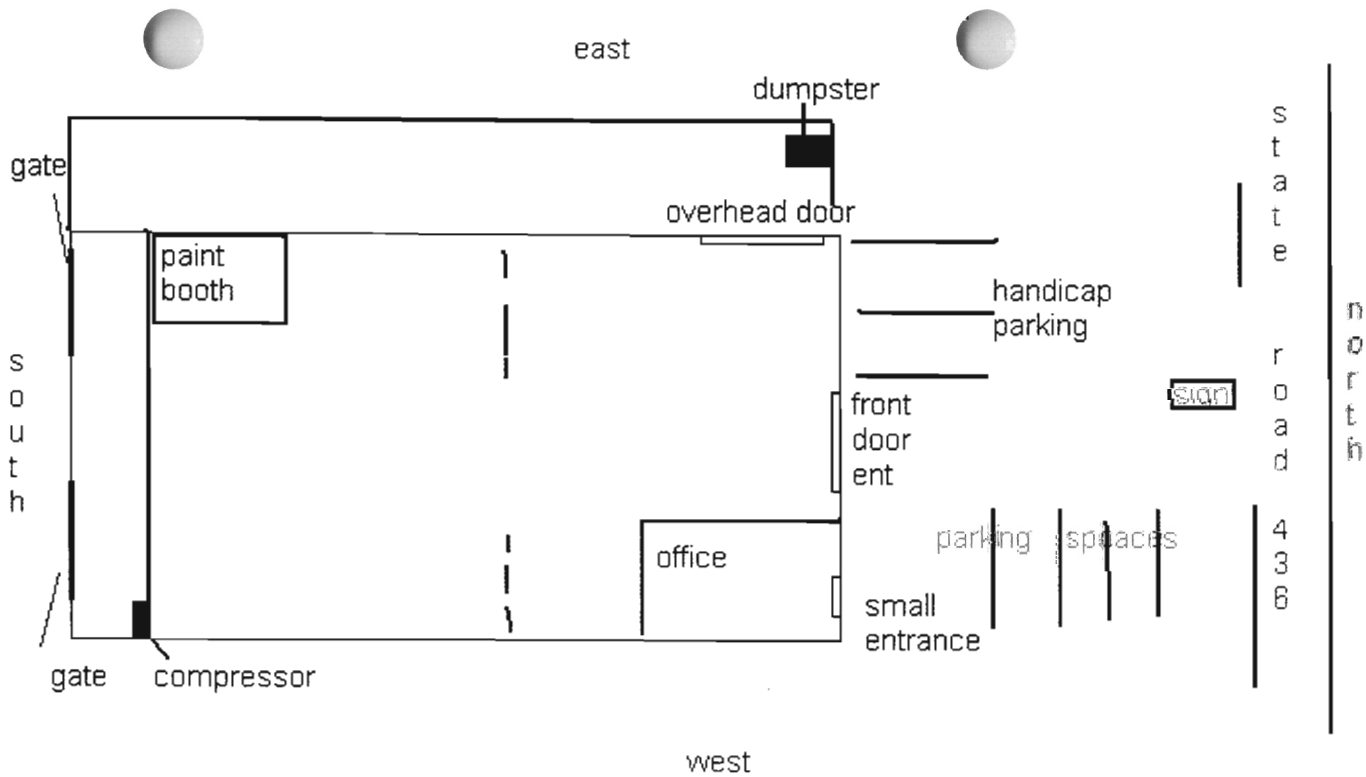
curb

office/parts door

proposed handicap spots

curb





Personal Property 

<b>PARCEL DETAIL</b> DAVID JOHNSON, CFA, ASA <b>PROPERTY APPRAISER</b> SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7505																																						
<b>GENERAL</b> Parcel Id: 18-21-30-501-0500-0040 Owner: VAUGHAN INC Mailing Address: 6770 W STATE ROAD 46 City, State, Zip Code: SANFORD FL 32771 Property Address: 1321 ALTAMONTE DR E ALTAMONTE SPRINGS 32701 Facility Name: Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 11-STORES GENERAL-ONE S		<b>VALUE SUMMARY</b> <table border="1"> <thead> <tr> <th>VALUES</th> <th>2009 Working</th> <th>2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$191,201</td> <td>\$195,135</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$7,101</td> <td>\$7,101</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$333,000</td> <td>\$333,000</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$531,302</td> <td>\$535,236</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$531,302</td> <td>\$535,236</td> </tr> </tbody> </table>		VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$191,201	\$195,135	Depreciated EXFT Value	\$7,101	\$7,101	Land Value (Market)	\$333,000	\$333,000	Land Value Ag	\$0	\$0	Just/Market Value	\$531,302	\$535,236	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$531,302	\$535,236		
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																						

SEMINOLE COUNTY  
**APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

The owner of the real property associated with this application is a (check one)

- ☐ Individual      ☒ Corporation      ☐ Land Trust  
☐ Limited Liability Company      ☐ Partnership  
☐ Other (describe): \_\_\_\_\_

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST
Richard VAUGHAN	Pres	6900 South SYLVAN	33 1/3
Robert VAUGHAN	Sec PRES	682 Glade View Dr	33 1/3
James VAUGHAN	COB	450 N LAKE SYCEBIA	33 1/3

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: \_\_\_\_\_

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: \_\_\_\_\_

NAME	ADDRESS	% OF INTEREST

Date of Contract: \_\_\_\_\_

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

3-13-09

Date

[Signature]  
Owner, Agent, Applicant Signature

STATE OF FLORIDA

COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 13<sup>th</sup> day of MARCH, 2009 by RICHARD VAUGHAN

Patricia Johnson  
Signature of Notary Public

Print, Type or Stamp Name of Notary Public  
**PATRICIA JOHNSON**  
Comm# DD0759966  
Expires 2/18/2012  
Florida Notary Assn., Inc.

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced V250-756-61-330-0

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

## **SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On April 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 4 5 15 + 16 (LESS RD) BLK 5 LAKEVIEW  
PB 5 PG 14

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

**Property Owner:** Vaughan Inc  
6770 W State Road 46  
Sanford FL 32771

**Project Name:** East Altamonte Drive (1321)

**Special Exception Approval:**

Mechanical garage with paint and body shop in C-2 (Retail Commercial) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

### Order

#### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The Special Exception granted will apply only to the existing buildings and an auto repair facility.
- b. The general layout of the proposed uses as depicted on the master plan shall not change.
- c. No building shall be increased more than 10% without Board of Adjustment approval.
- d. The site will be limited to only the use of an auto repair facility with paint and body.
- e. The hours of operation shall be Monday through Friday: 8 am to 5 pm and Saturday 8 am to Noon.
- f. SR 436 shall be utilized as the primary entrance.
- g. Outside vehicle storage permitted only for short term (60 day or less) as necessary to provide auto repair service to the vehicle owner and only within the walled area.
- h. No outside storage of vehicles used for parts.
- i. No auto repair work shall be performed outside.
- j. The fence, including gates, shall be opaque.
- k. The compressor shall have a sound attenuating barrier to minimize impacts to the adjacent residential properties.
- l. Prior to the issuance of development permits, a site plan that meets the requirements of all other applicable code requirements including Chapter 40 of the Land Development Code shall be reviewed and approved by the Development Review Committee (DRC).

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall

perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Alison C. Stettner  
Planning Manager

**STATE OF FLORIDA     )  
COUNTY OF SEMINOLE    )**

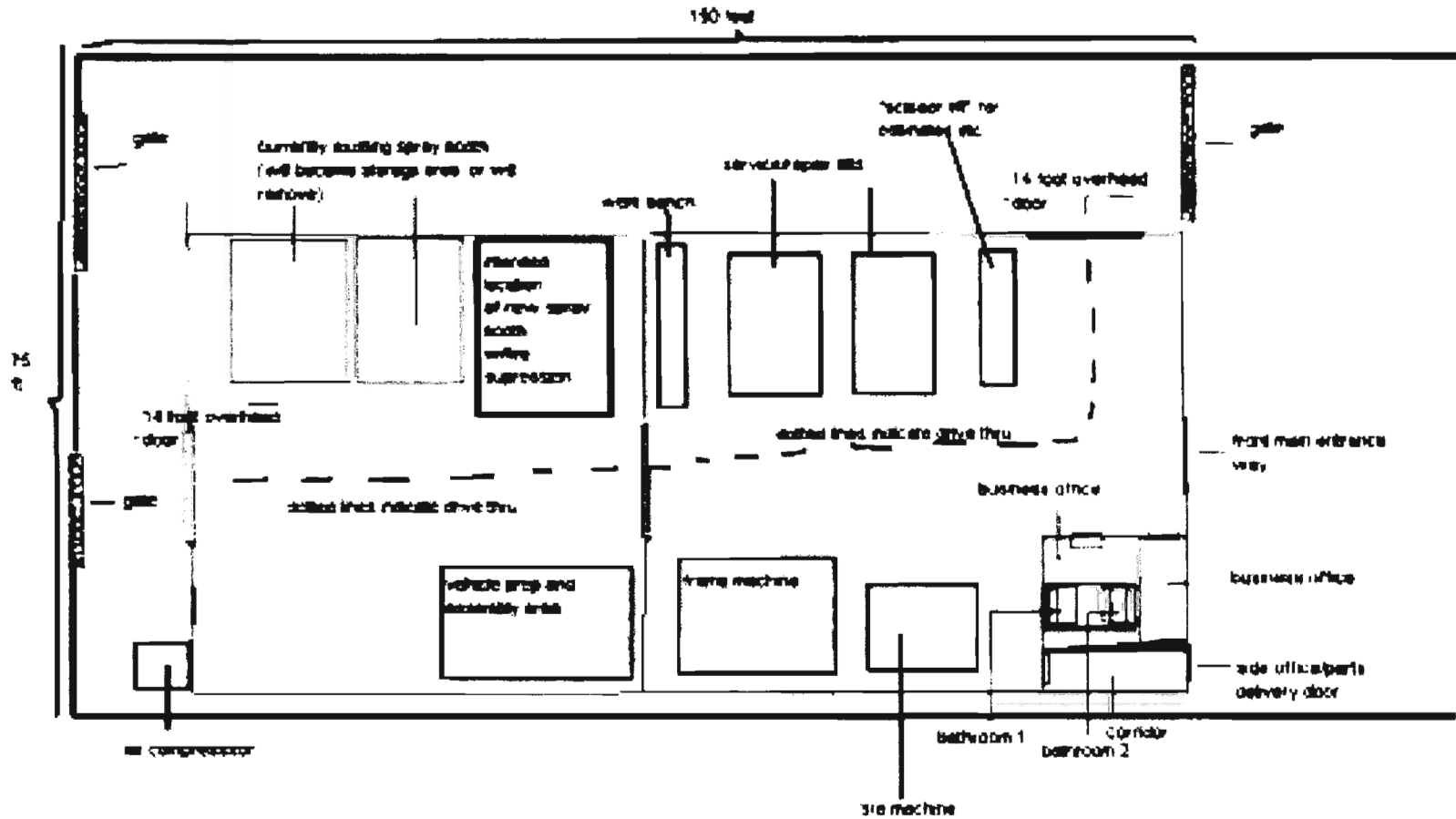
**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

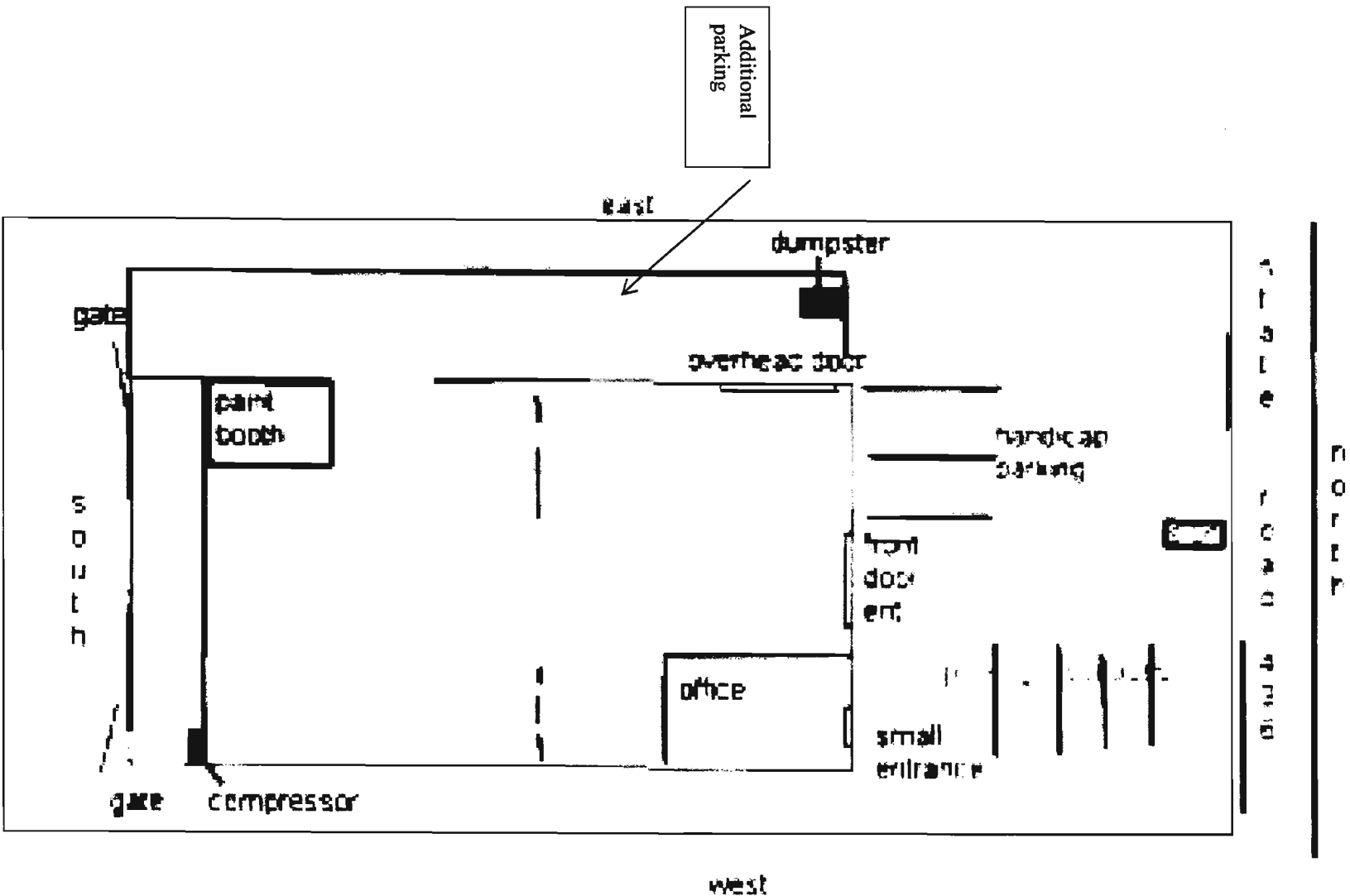
**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:







## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On April 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 4 5 15 + 16 (LESS RD) BLK 5 LAKEVIEW  
PB 5 PG 14

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

**Property Owner:** Vaughan Inc  
6770 W State Road 46  
Sanford FL 32771

**Project Name:** East Altamonte Drive (1321)

**Requested Special Exception:**

Mechanical garage with paint and body shop in C-2 (Retail Commercial) district.

The Board of Adjustment finds that the proposed use is inconsistent with development trends in the area and would adversely affect the public interest and should not be permitted.

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Alison C. Stettner  
Planning Manager

**STATE OF FLORIDA        )**  
**COUNTY OF SEMINOLE    )**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: